

Senate Study Bill 3127

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to policies for the administration of highways
2 and the regulation of motor vehicles by the department of
3 transportation, including matters concerning the bid threshold
4 for emergency highway repairs, the fee for replacement of
5 special dealer registration plates, disqualification from
6 operating a commercial motor vehicle, an exemption from the
7 civil penalty imposed for certain driver's license sanctions,
8 and permits and fees for the movement of certain overweight
9 vehicles used for alternative energy purposes, and providing
10 an effective date.
11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
12 TLSB 5450DP 82
13 dea/nh/8

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1 1 Section 1. Section 313.10, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. The necessary work can be done for less than ~~five~~
1 4 ~~hundred thousand~~ one million dollars.
1 5 Sec. 2. Section 321.42, subsection 1, Code 2007, is
1 6 amended to read as follows:
1 7 1. If a registration card, plate, or pair of plates is
1 8 lost or becomes illegible, the owner shall immediately apply
1 9 for replacement. The fee for a replacement registration card
1 10 ~~shall be~~ is three dollars. The fee for a replacement plate or
1 11 pair of plates ~~shall be other than a replacement of a special~~
1 12 ~~plate issued pursuant to section 321.60 is~~ five dollars. The
1 13 ~~fee for replacement of a special plate issued pursuant to~~
1 14 ~~section 321.60 is~~ forty dollars. When the owner has furnished
1 15 information required by the department and paid the proper
1 16 fee, a duplicate, substitute, or new registration card, plate,
1 17 or pair of plates may be issued. The county treasurer or the
1 18 department may waive the fee for a replacement plate if the
1 19 plate is lost during a documented accident.
1 20 Sec. 3. Section 321.208, Code 2007, is amended by adding
1 21 the following new subsection:
1 22 NEW SUBSECTION. 2A. A person is disqualified from
1 23 operating a commercial motor vehicle for one year if the
1 24 person fails a test administered to determine whether the
1 25 person was operating while intoxicated in any state or foreign
1 26 jurisdiction and the person was operating a commercial motor
1 27 vehicle or a noncommercial motor vehicle and holding a
1 28 commercial driver's license. For purposes of this subsection,
1 29 "fails a test" means the test result showed that the person
1 30 had an alcohol concentration, as defined in section 321J.1, of
1 31 .08 or more.
1 32 Sec. 4. Section 321.208, subsections 3 and 4, Code 2007,
1 33 are amended to read as follows:
1 34 3. A person is disqualified from operating a commercial
1 35 motor vehicle for three years if an act or offense described
2 1 in subsection 1, ~~2,~~ or ~~2A~~ occurred while the person was
2 2 operating a commercial motor vehicle transporting hazardous
2 3 material of a type or quantity requiring vehicle placarding.
2 4 4. A person is disqualified from operating a commercial
2 5 motor vehicle for life if convicted or found to have committed
2 6 two or more of the acts or offenses described in subsection 1,
2 7 ~~2,~~ or ~~2A~~ arising out of two or more separate incidents.
2 8 However, a disqualification for life is subject to a reduction
2 9 to a ten-year disqualification as provided in 49 C.F.R. }
2 10 383.51 as adopted by rule by the department.
2 11 Sec. 5. Section 321A.32A, Code Supplement 2007, is amended

2 12 to read as follows:

2 13 321A.32A CIVIL PENALTY == DISPOSITION == REINSTATEMENT.

2 14 When the department suspends, revokes, or bars a person's
2 15 driver's license or nonresident operating privilege under this
2 16 chapter, the department shall assess the person a civil
2 17 penalty of two hundred dollars. However, for persons age
2 18 nineteen or under, the civil penalty assessed shall be fifty
2 19 dollars. The money collected by the department under this
2 20 section shall be transmitted to the treasurer of state who
2 21 shall deposit the money in the juvenile detention home fund
2 22 created in section 232.142. A Except as provided in section

2 23 321.210B, a temporary restricted license shall not be issued
2 24 or a driver's license or nonresident operating privilege
2 25 reinstated until the civil penalty has been paid. A person
2 26 assessed a penalty under this section may remit the civil
2 27 penalty along with a processing fee of five dollars to a
2 28 county treasurer authorized to issue driver's licenses under
2 29 chapter 321M, or the civil penalty may be paid directly to the
2 30 department. This section does not apply to a suspension or
2 31 revocation imposed by the department under section 321A.17 due
2 32 to failure to refile proof of financial responsibility as
2 33 required under that section.

2 34 Sec. 6. Section 321E.8, Code 2007, is amended by adding
2 35 the following new subsection:

3 1 NEW SUBSECTION. 3. Notwithstanding any other provision of
3 2 law to the contrary, cranes exceeding the maximum gross weight
3 3 on any axle as prescribed in section 321.463 and used in the
3 4 construction of alternative energy facilities may be moved
3 5 with approval from the permit issuing authority.

3 6 Sec. 7. Section 321E.9, subsection 3, Code 2007, is
3 7 amended to read as follows:

3 8 3. Cranes ~~exceeding the maximum gross weight on any axle~~
3 9 ~~as prescribed in section 321.463~~ but not exceeding
3 10 ~~twenty-four thousand pounds~~ may be moved in accordance with
3 11 rules adopted pursuant to chapter 17A. Notwithstanding any
3 12 other provision of law to the contrary, cranes exceeding the
3 13 maximum gross weight on any axle as prescribed in section
3 14 321.463 and used in the construction of alternative energy
3 15 facilities may be moved with approval from the permit issuing
3 16 authority.

3 17 Sec. 8. NEW SECTION. 321E.9B SPECIAL ALTERNATIVE ENERGY
3 18 MULTITRIP PERMIT.

3 19 Subject to the discretion and judgment provided for in
3 20 section 321E.1, a multitrip permit shall be issued for
3 21 operation of vehicles in accordance with the following
3 22 provisions:

3 23 1. Vehicles with an indivisible load having an overall
3 24 length not to exceed two hundred twenty-five feet, an overall
3 25 width not to exceed sixteen feet, a height not to exceed
3 26 sixteen feet, and a total gross weight not to exceed two
3 27 hundred fifty-six thousand pounds may be moved on highways
3 28 specified by the permitting authority to an alternative energy
3 29 construction site or staging area for alternative energy
3 30 transportation, provided the gross weight on any one axle
3 31 shall not exceed twenty thousand pounds.

3 32 2. The special alternative energy multitrip permit shall
3 33 not exceed twelve months in duration.

3 34 3. The permitting authority shall have discretion to
3 35 include restrictions and require special considerations, such
4 1 as responsibility for protection or repair of the roadway and
4 2 bridges, prior to issuance of the permit.

4 3 Sec. 9. Section 321E.14, unnumbered paragraph 1, Code
4 4 2007, is amended to read as follows:

4 5 The department or local authorities issuing permits shall
4 6 charge a fee of twenty-five dollars for an annual permit
4 7 issued under section 321E.8, subsection 1, a fee of three
4 8 hundred dollars for an annual permit issued under section
4 9 321E.8, subsection 2, a fee of two hundred dollars for a
4 10 ~~multi-trip~~ multitrip permit issued under section 321E.9A, a
4 11 fee of six hundred dollars for a special alternative energy
4 12 multitrip permit issued under section 321E.9B, and a fee of
4 13 ten dollars for a single-trip permit, and shall determine
4 14 charges for special permits issued pursuant to section 321E.29
4 15 by rules adopted pursuant to chapter 17A. Fees for the
4 16 movement of buildings, parts of buildings, or unusual vehicles
4 17 or loads may be increased to cover the costs of inspections by
4 18 the issuing authority. A fee not to exceed two hundred fifty
4 19 dollars per day or a prorated fraction of that fee per person
4 20 and car for escort service may be charged when requested or
4 21 when required under this chapter. Proration of escort fees
4 22 between state and local authorities when more than one

4 23 governmental authority provides or is required to provide
4 24 escort for a movement during the period of a day shall be
4 25 determined by rule under section 321E.15. The department and
4 26 local authorities may charge a permit applicant for the cost
4 27 of trimming trees and removal and replacement of natural
4 28 obstructions or official signs and signals or other public or
4 29 private property required to be removed during the movement of
4 30 a vehicle and load. In addition to the fees provided in this
4 31 section, the annual fee for a permit for special mobile
4 32 equipment, as defined in section 321.1, subsection 75,
4 33 operated pursuant to section 321E.7, subsection 3, with a
4 34 combined gross weight up to and including eighty thousand
4 35 pounds shall be twenty-five dollars and for a combined gross
5 1 weight exceeding eighty thousand pounds, fifty dollars.
5 2 Sec. 10. EFFECTIVE DATE. The sections of this Act
5 3 amending sections 321A.32A, 321E.8, 321E.9, and 321E.14, and
5 4 the section enacting section 321E.9B, being deemed of
5 5 immediate importance, take effect upon enactment.

5 6 EXPLANATION

5 7 This bill contains provisions relating to the
5 8 administration of highways and regulation of motor vehicles by
5 9 the department of transportation.

5 10 HIGHWAYS. The bill increases the threshold amount for
5 11 emergency construction projects on highways and bridges in the
5 12 primary road system without advertising for bids from \$500,000
5 13 to \$1 million.

5 14 MOTOR VEHICLES. The bill increases the fee for replacement
5 15 of special motor vehicle registration plates issued to motor
5 16 vehicle dealers from \$5 to \$40.

5 17 The bill provides that when a person who holds a commercial
5 18 driver's license fails a test administered for operating while
5 19 intoxicated in any state or foreign jurisdiction and the
5 20 person was operating either a commercial or noncommercial
5 21 vehicle, if the test demonstrates an alcohol concentration of
5 22 .08 or more, the period of disqualification from operating a
5 23 commercial vehicle begins with the failure of the test.
5 24 Pursuant to current law, disqualification for operating while
5 25 intoxicated is triggered by a conviction or final
5 26 administrative decision that the person was operating a
5 27 commercial motor vehicle and demonstrated an alcohol
5 28 concentration of .04 or more. Disqualification is also
5 29 triggered by a conviction or final administrative decision
5 30 that the person was operating a commercial or noncommercial
5 31 vehicle while under the influence of an alcoholic beverage.
5 32 Disqualification applies for a period of one year for an
5 33 offense of operating while intoxicated, or for a period of
5 34 three years if the offense occurred while the person was
5 35 operating a commercial motor vehicle transporting certain
6 1 hazardous materials. Multiple occurrences of such offenses
6 2 may lead to disqualification for life.

6 3 The bill creates an exception to the civil penalty that is
6 4 assessed for reinstatement of a person's driving privileges
6 5 following a period of suspension or revocation. The exception
6 6 applies to a person who is required to maintain proof of
6 7 financial responsibility as a condition for licensure and
6 8 whose license is suspended or revoked for failure to refile
6 9 proof of financial responsibility. This provision takes
6 10 effect upon enactment of the bill.

6 11 The bill authorizes the department and local authorities to
6 12 issue annual and single-trip highway permits for the movement
6 13 of cranes exceeding the maximum gross weight limit on any axle
6 14 and used in the construction of alternative energy facilities,
6 15 regardless of the weight of the crane. Under current law, a
6 16 24,000 pound per axle weight limit applies for any crane moved
6 17 under a permit. In addition, the bill authorizes the issuance
6 18 of special multitrip permits, valid for 12 months or less and
6 19 subject to a fee of \$600, for the movement of certain oversize
6 20 and overweight vehicles to an alternative energy construction
6 21 site or staging area. The permitting authority may impose
6 22 restrictions and special considerations when issuing a special
6 23 alternative energy multitrip permit. These provisions
6 24 relating to permits for the movement of vehicles take effect
6 25 upon enactment of the bill.

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6 27 dea/nh/8.1